

# Senate Study Bill 1108 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
EDUCATION BILL)

## A BILL FOR

1 An Act relating to the duties and operations of the department  
2 of education, the school budget review committee, and local  
3 school boards and including effective date and applicability  
4 provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.5A, Code 2011, is amended to read as  
2 follows:

3 **256.5A Nonvoting member.**

4 1. The governor shall appoint the one nonvoting student  
5 member of the state board for a term of ~~one year~~ two years  
6 beginning and ending as provided in section 69.19. The  
7 nonvoting student member shall be appointed from a list of  
8 names submitted by the state board of education. Students  
9 enrolled in ~~either grade ten or eleven~~ in a public school  
10 may apply to the state board to serve as a nonvoting student  
11 member.

12 2. The department shall develop an application process that  
13 requires the consent of the student's parent or guardian if  
14 the student is a minor, initial application approval by the  
15 school district in which the student applicant is enrolled, and  
16 submission of approved applications by a school district to the  
17 department.

18 3. The nonvoting student member's school district of  
19 enrollment shall notify the student's parents if the student's  
20 grade point average falls during the period in which the  
21 student is a member of the state board.

22 4. The state board shall adopt rules under chapter 17A  
23 specifying criteria for the selection of applicants whose names  
24 shall be submitted to the governor. Criteria shall include,  
25 but are not limited to, academic excellence, participation  
26 in extracurricular and community activities, and interest in  
27 serving on the board. Rules adopted by the state board shall  
28 also require, if the student is a minor, supervision of the  
29 student by the student's parent or guardian while the student  
30 is engaged in authorized state board business at a location  
31 other than the community in which the student resides, unless  
32 the student's parent or guardian submits to the state board a  
33 signed release indicating the parent or guardian has determined  
34 that supervision of the student by the parent or guardian is  
35 unnecessary.

1     5. The nonvoting student member appointment is not subject  
2 to section 69.16 or 69.16A.

3     6. The nonvoting student member shall have been enrolled  
4 in a public school in Iowa for at least one year prior to the  
5 member's appointment. ~~A nonvoting student member who will not~~  
6 ~~graduate from high school prior to the end of a second term may~~  
7 ~~apply to the state board for submission of candidacy to the~~  
8 ~~governor for a second one-year term.~~

9     7. A nonvoting student member shall be paid a per diem as  
10 provided in section 7E.6 and the student and the student's  
11 parent or guardian shall be reimbursed for actual and necessary  
12 expenses incurred in the performance of the student's duties as  
13 a nonvoting member of the state board.

14    8. A vacancy in the membership of the nonvoting student  
15 member shall not be filled until the expiration of the term.

16    Sec. 2. Section 256.9, subsections 26 and 27, Code 2011, are  
17 amended by striking the subsections.

18    Sec. 3. Section 256.9, subsection 53, paragraph a, Code  
19 2011, is amended to read as follows:

20    a. Develop and distribute, in collaboration with the area  
21 education agencies, core curriculum technical assistance  
22 and implementation strategies that school districts and  
23 accredited nonpublic schools shall utilize, including but  
24 not limited to the development and delivery of formative and  
25 ~~end-of-course~~ model end-of-course and additional assessments  
26 classroom teachers may use to measure student progress  
27 on the core curriculum adopted pursuant to section 256.7,  
28 subsection 26. The department shall, in collaboration with the  
29 advisory group convened in accordance with paragraph "b" and  
30 educational assessment providers, identify and make available  
31 to school districts model end-of-course ~~and additional model~~  
32 ~~end-of-course~~ and additional assessments to align with the  
33 expectations included in the Iowa core curriculum. The model  
34 assessments shall be suitable to meet the multiple assessment  
35 measures requirement specified in section 256.7, subsection 21,

1 paragraph "c".

2 Sec. 4. Section 256.10, subsection 2, Code 2011, is amended  
3 to read as follows:

4 2. Appointments to the professional staff of the department  
5 shall be without reference to political party affiliation,  
6 religious affiliation, sex, or marital status, but shall be  
7 based solely upon fitness, ability, and proper qualifications  
8 for the particular position. The professional staff shall  
9 serve at the discretion of the director. A member of the  
10 professional staff shall not be dismissed for cause without  
11 ~~appropriate due process procedures including a hearing an~~  
12 opportunity to meet with the director.

13 Sec. 5. Section 256.30, Code 2011, is amended to read as  
14 follows:

15 **256.30 Educational expenses for American Indians.**

16 1. The department of education shall provide moneys to pay  
17 the expense of educating American Indian children residing in  
18 the Sac and Fox Indian settlement on land held in trust by  
19 the secretary of the interior of the United States in excess  
20 of federal moneys paid to the tribal council for educating  
21 the American Indian children when moneys are appropriated for  
22 that purpose. ~~The tribal council shall administer the moneys~~  
23 ~~distributed to it by the department and shall submit an annual~~  
24 ~~report and other reports as required by the department to the~~  
25 ~~department on the expenditure of the moneys.~~

26 2. The tribal council shall administer moneys distributed  
27 to it by the department of education as provided in subsection  
28 1. The tribal council shall first use the moneys distributed  
29 ~~to it by the department of education~~ for the purposes of this  
30 section to pay the additional costs of salaries for licensed  
31 instructional staff for educational attainment and full-time  
32 equivalent years of experience to equal the salaries listed on  
33 the proposed salary schedule for the school at the Sac and Fox  
34 Indian settlement for that school year, but the salary for a  
35 licensed instructional staff member employed on a full-time

1 basis shall not be less than eighteen thousand dollars.

2     3. The department of management shall approve allotments  
3 of moneys appropriated in for purposes of this section ~~when~~  
4 ~~the department of education certifies to the department of~~  
5 ~~management that the requirements of this section have been met.~~

6     Sec. 6. Section 257.6, subsection 1, paragraph a,  
7 subparagraph (3), Code 2011, is amended to read as follows:

8     (3) Shared-time and part-time pupils of school age enrolled  
9 in public schools within the district, irrespective of the  
10 districts in which the pupils reside, in the proportion that  
11 the time for which they are enrolled or receive instruction for  
12 the school year is to the time that full-time pupils carrying  
13 a normal course schedule, at the same grade level, in the  
14 same school district, for the same school year, are enrolled  
15 and receive instruction. Tuition charges to the parent or  
16 guardian of a shared-time or part-time nonresident pupil shall  
17 be reduced by the amount of any increased state aid received by  
18 the district by the counting of the pupil. This subparagraph  
19 applies to pupils enrolled in grades nine through twelve under  
20 section 299A.8 and to pupils from accredited nonpublic schools  
21 accessing classes or services on the accredited nonpublic  
22 school premises or the school district site, but excludes  
23 accredited nonpublic school pupils receiving classes or  
24 services funded by federal grants or allocations.

25     Sec. 7. Section 257.30, subsection 1, Code 2011, is amended  
26 to read as follows:

27     1. A school budget review committee is established in the  
28 department of education and consists of the director of the  
29 department of education in an ex officio, nonvoting capacity,  
30 the director of the department of management, and four members  
31 who are knowledgeable in the areas of Iowa school finance or  
32 public finance issues appointed by the governor to represent  
33 the public. At least one of the public members shall possess a  
34 master's or doctoral degree in which areas of school finance,  
35 economics, or statistics are an integral component, or shall

1 have equivalent experience in an executive administrative  
2 or senior research position in the education or public  
3 administration field. The members appointed by the governor  
4 shall serve staggered ~~three-year~~ four-year terms beginning  
5 and ending as provided in section 69.19 and are subject to  
6 senate confirmation as provided in section 2.32. The committee  
7 shall meet and hold hearings each year and shall continue in  
8 session until it has reviewed budgets of school districts, as  
9 provided in section 257.31. The committee may call in school  
10 board members and employees as necessary for the hearings.  
11 The committee's scheduled hearing agendas and the minutes of  
12 such hearings shall be posted on the department of education's  
13 internet site. Legislators shall be notified of hearings  
14 concerning school districts in their legislative districts.

15 Sec. 8. Section 257.31, subsection 2, Code 2011, is amended  
16 to read as follows:

17 2. The committee shall specify the number of hearings held  
18 annually, ~~the reasons for the committee's recommendations, a~~  
19 summary of decisions, information about the amounts of property  
20 tax levied by school districts for a cash reserve, and other  
21 information the committee deems advisable on the department of  
22 education's internet ~~website~~ site.

23 Sec. 9. Section 257.37, subsection 4, Code 2011, is amended  
24 to read as follows:

25 4. "*Enrollment served*" means the basic enrollment plus the  
26 number of nonpublic school pupils served with media services  
27 or educational services, as applicable, except that if a  
28 nonpublic school pupil or a pupil attending another district  
29 under a whole grade sharing agreement or open enrollment  
30 receives services through an area other than the area of the  
31 pupil's residence, the pupil shall be deemed to be served by  
32 the area of the pupil's residence, which shall by contractual  
33 arrangement reimburse the area through which the pupil actually  
34 receives services. Each school district shall include in  
35 the enrollment report submitted pursuant to section 257.6,

1 subsection 1, the number of nonpublic school pupils within each  
2 school district for media and educational services served by  
3 the area. However, the school district shall not include in  
4 the enrollment report nonpublic school pupils receiving classes  
5 or services funded by federal grants or allocations.

6 Sec. 10. Section 257.40, subsection 1, Code 2011, is amended  
7 to read as follows:

8 1. The board of directors of a school district requesting  
9 to use modified allowable growth for programs for returning  
10 dropouts and dropout prevention shall submit requests for  
11 modified ~~at-risk~~ allowable growth, including budget costs,  
12 to the department of education not later than December 15 of  
13 the year preceding the budget year during which the program  
14 will be offered. The department shall review the request  
15 and shall prior to January 15 either grant approval for the  
16 request for the program or return the request for approval to  
17 the school district with comments of the department included.  
18 An unapproved request for a program may be resubmitted with  
19 modifications to the department not later than February 1.  
20 Not later than February 15, the department shall notify the  
21 department of management and the school budget review committee  
22 of the names of the school districts for which programs using  
23 modified allowable growth for funding have been approved and  
24 the approved budget of each program listed separately for each  
25 school district having an approved request.

26 Sec. 11. Section 257.41, Code 2011, is amended to read as  
27 follows:

28 **257.41 Funding for programs for returning dropouts and**  
29 **dropout prevention.**

30 The budget of an approved program for returning dropouts and  
31 dropout prevention for a school district, after subtracting  
32 funds received from other sources for that purpose, shall be  
33 funded annually on a basis of one-fourth or more from the  
34 district cost of the school district and up to three-fourths  
35 by an increase in allowable growth as defined in section

1 257.8. Annually, the ~~department of management~~ school budget  
2 review committee shall establish a modified allowable growth  
3 for each such school district equal to the difference between  
4 the approved budget for the program for returning dropouts and  
5 dropout prevention for that district and the sum of the amount  
6 funded from the district cost of the school district plus funds  
7 received from other sources.

8 Sec. 12. Section 259A.1, Code 2011, is amended to read as  
9 follows:

10 **259A.1 Tests.**

11 The department of education shall cause to be made  
12 available for qualified individuals a high school equivalency  
13 diploma. The diploma shall be issued on the basis of  
14 satisfactory competence as shown by tests covering all of the  
15 following: ~~reading, arts, language arts, writing~~ language  
16 arts-reading, language arts-writing, mathematics, science, and  
17 social studies.

18 Sec. 13. Section 273.3, subsection 12, Code 2011, is amended  
19 to read as follows:

20 12. Prepare an annual budget estimating income and  
21 expenditures for programs and services as provided in sections  
22 273.1 to 273.9 and chapter 256B within the limits of funds  
23 provided under section 256B.9 and chapter 257. The board  
24 shall give notice of a public hearing on the proposed budget  
25 by publication in an official county newspaper in each county  
26 in the territory of the area education agency in which the  
27 principal place of business of a school district that is a part  
28 of the area education agency is located. The notice shall  
29 specify the date, which shall be not later than March 1 of  
30 each year, the time, and the location of the public hearing.  
31 The proposed budget as approved by the board shall then be  
32 submitted to the state board of education, on forms provided  
33 by the department, no later than March 15 preceding the  
34 next fiscal year for approval. The state board shall review  
35 the proposed budget of each area education agency and shall



1 before ~~April~~ May 1, either grant approval or return the budget  
2 without approval with comments of the state board included. An  
3 unapproved budget shall be resubmitted to the state board for  
4 final approval not later than ~~April~~ May 15. ~~For the fiscal~~  
5 ~~year beginning July 1, 1999, and each succeeding fiscal year,~~  
6 ~~the~~ The state board shall give final approval only to budgets  
7 submitted by area education agencies accredited by the state  
8 board or that have been given conditional accreditation by the  
9 state board.

10 Sec. 14. Section 273.23, subsection 5, Code 2011, is amended  
11 to read as follows:

12 5. The initial board, or new board if established in time  
13 under subsection 3, of the newly formed agency shall prepare an  
14 annual budget estimating income and expenditures for programs  
15 and services as provided in sections 273.1 through 273.9  
16 and chapter 256B within the limits of funds provided under  
17 section 256B.9 and chapter 257. The board shall give notice  
18 of a public hearing on the proposed budget by publication in  
19 an official county newspaper in each county in the territory  
20 of the area education agency in which the principal place  
21 of business of a school district that is a part of the area  
22 education agency is located. The notice shall specify the  
23 date, which shall not be later than March 1, the time, and  
24 the location of the public hearing. The proposed budget as  
25 approved by the board shall be submitted to the state board,  
26 on forms provided by the department, no later than March 15  
27 for approval. The state board shall review the proposed  
28 budget of the newly formed area education agency and shall,  
29 before ~~April~~ May 1, either grant approval or return the budget  
30 without approval with comments of the state board included. An  
31 unapproved budget shall be resubmitted to the state board for  
32 final approval not later than ~~April~~ May 15. The state board  
33 shall give final approval only to budgets submitted by area  
34 education agencies accredited by the state board or that have  
35 been given conditional accreditation by the state board.

1     Sec. 15. Section 275.23A, subsection 2, Code 2011, is  
2 amended to read as follows:

3     2. Following each federal decennial census the school  
4 board shall determine whether the existing director district  
5 boundaries meet the standards in subsection 1 according to the  
6 most recent federal decennial census.

7     a. In addition to the authority granted to voters to change  
8 the number of directors or method of election as provided in  
9 sections 275.35, 275.36, and 278.1, the board of directors of  
10 a school district may, following a federal decennial census,  
11 by resolution and in accordance with this section, authorize  
12 a change in the method of election as set forth in section  
13 275.12, subsection 2, or a change to either five or seven  
14 directors after the board conducts a hearing on the resolution.

15     (1) If the board proposes to change the number of directors  
16 from seven to five directors, the resolution shall include a  
17 plan for reducing the number of directors.

18     (2) If the board proposes to increase the number of  
19 directors to seven directors, two directors shall be added  
20 according to the procedure described in section 277.23,  
21 subsection 2.

22     b. If necessary, the board of directors shall redraw  
23 the director district boundaries. The director district  
24 boundaries shall be described in the resolution adopted by  
25 the school board. The resolution shall be adopted no earlier  
26 than November 15 of the second year immediately following the  
27 year in which the federal decennial census is taken nor later  
28 than May 15 of the ~~second~~ third year immediately following  
29 the year in which the federal decennial census is taken.  
30 A copy of the plan shall be filed with the area education  
31 agency administrator of the area education agency in which the  
32 school's electors reside. If the board does not provide for  
33 an election as provided in sections 275.35, 275.36, and 278.1  
34 and adopts a resolution to change the number of directors or  
35 method of election in accordance with this subsection, the

1 district shall change the number of directors or method of  
2 election as provided unless, within twenty-eight days following  
3 the action of the board, the secretary of the board receives a  
4 petition containing the required number of signatures, asking  
5 that an election be called to approve or disapprove the action  
6 of the board in adopting the resolution. The petition must be  
7 signed by eligible electors equal in number to not less than  
8 one hundred or thirty percent of the number of voters at the  
9 last preceding regular school election, whichever is greater.  
10 The board shall either rescind its action or direct the  
11 county commissioner of elections to submit the question to the  
12 registered voters of the school district at an election held  
13 on a date specified in section 39.2, subsection 4, paragraph  
14 "c". If a majority of those voting on the question at the  
15 election favors disapproval of the action of the board, the  
16 district shall not change the number of directors or method of  
17 election. If a majority of those voting on the question does  
18 not favor disapproval of the action, the board shall certify  
19 the results of the election to the department of management and  
20 the district shall change the number of directors or method of  
21 election as provided in this subsection. At the expiration of  
22 the twenty-eight-day period, if no petition is filed, the board  
23 shall certify its action to the department of management and  
24 the district shall change the number of directors or method of  
25 election as provided in this subsection.

26 Sec. 16. Section 278.1, subsection 1, paragraph e, Code  
27 2011, is amended to read as follows:

28 e. Direct the transfer of any surplus in the debt service  
29 fund, physical plant and equipment levy fund, or other capital  
30 projects funds, or public education and recreation levy fund to  
31 the general fund.

32 Sec. 17. Section 279.30, Code 2011, is amended to read as  
33 follows:

34 **279.30 Exceptions.**

35 Each payment must be made payable to the person entitled to

1 receive the money or deposited directly into an account at a  
2 financial institution, as defined in section 527.2, specified  
3 by the person entitled to receive the money. The board of  
4 directors of a school district or an area education agency may  
5 by resolution authorize the secretary, upon approval of the  
6 superintendent or designee, or administrator, in the case of  
7 an area education agency, to issue payments when the board  
8 of directors is not in session in payment of reasonable and  
9 necessary expenses, but only upon verified bills filed with the  
10 secretary or administrator, and for the payment of salaries  
11 pursuant to the terms of a written contract. Each payment  
12 must be made payable only to the person performing the service  
13 or presenting the verified bill, and must state the purpose  
14 for which the payment is issued. All bills and salaries for  
15 which payments are issued prior to audit and allowance by the  
16 board must be passed upon by the board of directors at the next  
17 meeting and be entered in the regular minutes of the secretary.

18 Sec. 18. Section 279.42, Code 2011, is amended to read as  
19 follows:

20 **279.42 Gifts to schools.**

21 The board of directors of a school district ~~which~~ that  
22 receives funds through ~~gifts, devises, and bequests~~ a gift,  
23 devise, or bequest shall deposit ~~these~~ the funds in a trust  
24 ~~and, permanent, or agency fund and shall use them~~ the funds in  
25 accordance with the terms of the gift, devise, or bequest.

26 Sec. 19. Section 279.45, Code 2011, is amended to read as  
27 follows:

28 **279.45 Administrative expenditures.**

29 ~~For the budget year beginning July 1, 1989, and each of~~  
30 ~~the following three budget years, the board of directors of a~~  
31 ~~school district in which the~~ The administrative expenditures  
32 as a percent of the a school district's operating general fund  
33 for a base year shall not exceed five percent, ~~shall reduce its~~  
34 ~~administrative expenditures so that they are one-half percent~~  
35 ~~less as a percent of the school district's operating fund than~~

1 ~~they were for the base year. However, a school district is~~  
2 ~~not required to reduce its administrative expenditures below~~  
3 ~~five percent of its operating fund. Thereafter, a school~~  
4 ~~district shall not increase the percent of its administrative~~  
5 ~~expenditures compared to its operating fund. Annually,~~  
6 the board of directors shall certify to the department of  
7 education the amounts of the school district's administrative  
8 expenditures and its operating general fund. For the purposes  
9 of this section, "base year" and "budget year" mean means  
10 the same as defined in ~~section 442.6, Code 1989, and section~~  
11 ~~257.2, and "administrative expenditures"~~ means expenditures for  
12 executive administration.

13 Sec. 20. Section 282.9, subsection 1, Code 2011, is amended  
14 to read as follows:

15 1. Notwithstanding this chapter and sections 275.55A, and  
16 ~~256F.4, and 282.18,~~ or any other provision to the contrary,  
17 prior to knowingly enrolling an individual who is required  
18 to register as a sex offender under chapter 692A, but who is  
19 otherwise eligible to enroll in a public school, the board of  
20 directors of a school district shall determine the educational  
21 placement of the individual. Upon receipt of notice that a  
22 student who is enrolled in the district is required to register  
23 as a sex offender under chapter 692A, the board shall determine  
24 the educational placement of the student. The tentative agenda  
25 for the meeting of the board of directors at which the board  
26 will consider such enrollment or educational placement shall  
27 specifically state that the board is considering the enrollment  
28 or educational placement of an individual who is required  
29 to register as a sex offender under chapter 692A. If the  
30 individual is denied enrollment in a school district under this  
31 section, the school district of residence shall provide the  
32 individual with educational services in an alternative setting.

33 Sec. 21. Section 282.10, subsection 4, Code 2011, is amended  
34 to read as follows:

35 4. A whole grade sharing agreement shall be signed by the

1 boards of the districts involved in the agreement not later  
2 than February 1 of the school year preceding the school year  
3 for which the agreement is to take effect. The boards of  
4 the districts shall negotiate as part of the new or existing  
5 agreement the disposition of ~~teacher-quality~~ funding provided  
6 under chapter 284.

7 Sec. 22. Section 282.18, subsection 4, Code 2011, is amended  
8 by adding the following new paragraph:

9 NEW PARAGRAPH. *0c.* If a request for transfer is submitted  
10 to the receiving district after March 1 of the preceding  
11 school year on behalf of a pupil whose sibling is already  
12 participating in open enrollment, the receiving district shall  
13 take action to approve the request.

14 Sec. 23. Section 282.18, subsection 5, Code 2011, is amended  
15 to read as follows:

16 5. Open enrollment applications filed after March 1 of  
17 the preceding school year that do not qualify for ~~good-cause~~  
18 approval as provided in subsection 4 shall be subject to the  
19 approval of the board of the resident district and the board  
20 of the receiving district. The parent or guardian shall send  
21 notification to the district of residence and the receiving  
22 district that the parent or guardian seeks to enroll the  
23 parent's or guardian's child in the receiving district. A  
24 decision of either board to deny an application filed under  
25 this subsection involving repeated acts of harassment of the  
26 student or serious health condition of the student that the  
27 resident district cannot adequately address is subject to  
28 appeal under section 290.1. The state board shall exercise  
29 broad discretion to achieve just and equitable results that are  
30 in the best interest of the affected child or children.

31 Sec. 24. Section 284.10, subsection 2, Code 2011, is amended  
32 to read as follows:

33 2. An administrator licensed under chapter 272 who conducts  
34 evaluations of teachers for purposes of this chapter shall  
35 complete the evaluator training program. A practitioner

1 licensed under chapter 272 who is not an administrator  
2 may enroll in the evaluator training program. Enrollment  
3 preference shall be given to administrators and to other  
4 practitioners who are not beginning teachers. Upon successful  
5 completion, the provider shall certify that the administrator  
6 or other practitioner is qualified to conduct evaluations  
7 for employment, make recommendations for licensure, and make  
8 recommendations that a teacher is qualified to advance from one  
9 career path level to the next career path level pursuant to  
10 this chapter. Certification is for a period of five years and  
11 may be renewed.

12 Sec. 25. Section 291.1, Code 2011, is amended to read as  
13 follows:

14 **291.1 President — duties.**

15 The president of the board of directors shall preside at  
16 all of its meetings, sign all contracts made by the board, and  
17 appear ~~in~~ on behalf of the corporation in all actions brought  
18 by or against it, unless individually a party, in which case  
19 this duty shall be performed by the secretary. The president  
20 or the president's designee shall sign, using an original or  
21 facsimile signature, all school district ~~warrants~~ payments  
22 drawn and authorize electronic funds transfers as provided by  
23 law. The board of directors, by resolution, may designate an  
24 individual, who shall not be the secretary, to sign ~~warrants~~  
25 payments or authorize electronic funds transfers on behalf of  
26 the president.

27 Sec. 26. Section 291.6, subsection 3, Code 2011, is amended  
28 by striking the subsection and inserting in lieu thereof the  
29 following:

30 3. *Accounting records.* Keep an accurate accounting record  
31 of each payment or electronic funds transfer from each fund  
32 which shall be provided monthly to the board of directors. The  
33 secretary of the creditor district shall prepare and deliver to  
34 debtor districts an itemized statement of tuition fees charged  
35 in accordance with sections 275.55A and 282.11, and section

1 282.24, subsection 1.

2 Sec. 27. Section 291.6, subsection 4, Code 2011, is amended  
3 to read as follows:

4 4. *Claims.* Keep an accurate ~~account~~ accounting of all  
5 expenses incurred by the corporation, and present the same to  
6 the board for audit and payment.

7 Sec. 28. Section 291.7, Code 2011, is amended to read as  
8 follows:

9 **291.7 Monthly receipts, disbursements, and balances.**

10 The secretary of each district shall file monthly with the  
11 board of directors a complete statement of all receipts and  
12 disbursements from ~~the various funds~~ each individual fund  
13 during the preceding month, and also the balance remaining on  
14 hand in ~~the various funds~~ each individual fund at the close of  
15 the period covered by the statement, which monthly statements  
16 shall be open to public inspection.

17 Sec. 29. Section 291.8, Code 2011, is amended by striking  
18 the section and inserting in lieu thereof the following:

19 **291.8 Payments.**

20 The secretary shall make each authorized payment,  
21 countersign using an original or facsimile signature, and  
22 maintain accounting records of the payments or electronic funds  
23 transfers, showing the number, date, payee, originating fund,  
24 the purpose, and the amount, and shall provide to the board at  
25 each regular annual meeting a copy of the accounting records  
26 maintained by the secretary.

27 Sec. 30. Section 291.12, Code 2011, is amended to read as  
28 follows:

29 **291.12 Duties of treasurer — ~~payment of warrants~~ payments.**

30 The treasurer shall receive all moneys belonging to the  
31 corporation, pay the same out only upon the order of the  
32 president countersigned by the secretary, keeping and shall  
33 keep an accurate account accounting record of all receipts  
34 and expenditures ~~in a book provided for that purpose~~. The  
35 treasurer shall register all ~~orders drawn~~ payments and



1 electronic funds transfers made and reported to the treasurer  
2 by the secretary, showing the number, date, to whom drawn, the  
3 fund upon from which drawn each payment and transfer was made,  
4 the purpose and amount.

5 Sec. 31. Section 291.14, Code 2011, is amended to read as  
6 follows:

7 **291.14 Financial statement.**

8 The treasurer shall render a statement of the finances of the  
9 corporation whenever required by the board, and the treasurer's  
10 ~~books~~ accounting records shall always be open for inspection.

11 Sec. 32. Section 298.2, subsection 5, paragraph a, Code  
12 2011, is amended to read as follows:

13 a. The proposition to levy the voter-approved physical  
14 plant and equipment levy is not affected by a change in  
15 the boundaries of the school district, except as otherwise  
16 provided in this section. If each school district involved  
17 in a school reorganization under chapter 275 has adopted  
18 the voter-approved physical plant and equipment levy ~~or the~~  
19 ~~sixty-seven and one-half cents per thousand dollars of assessed~~  
20 ~~value schoolhouse levy under section 278.1, subsection 7,~~  
21 ~~Code 1989, prior to July 1, 1991,~~ and if the voters have not  
22 voted upon the proposition to levy the voter-approved physical  
23 plant and equipment levy in the reorganized district, the  
24 existing voter-approved physical plant and equipment levy or  
25 the existing schoolhouse levy, as applicable, is in effect for  
26 the reorganized district for the least amount and the shortest  
27 time for which it is in effect in any of the districts.

28 Sec. 33. Section 298.2, subsection 6, Code 2011, is amended  
29 by striking the subsection.

30 Sec. 34. Section 298A.4, Code 2011, is amended to read as  
31 follows:

32 **298A.4 Physical plant and equipment levy fund.**

33 The physical plant and equipment levy fund is a ~~special~~  
34 ~~revenue~~ capital projects fund. A physical plant and equipment  
35 levy fund must be established in any school corporation which

1 levies the tax authorized, whether regular or voter-approved,  
2 under section 298.2.

3 Sec. 35. Section 298A.9, Code 2011, is amended to read as  
4 follows:

5 **298A.9 Capital project funds.**

6 A capital project fund must be established in any school  
7 corporation which issues bonds or other authorized indebtedness  
8 for capital projects or which initiates a capital project, or  
9 which receives grants or other funds for capital projects.  
10 Boards are authorized to establish more than one capital  
11 project fund as necessary. Any balance remaining in a capital  
12 project fund after the capital project is completed may be  
13 retained for future capital projects in accordance with the  
14 original purpose of the bond issue or voter-approved levy; or  
15 may be transferred, by board resolution, to the debt service  
16 fund, to the physical plant and equipment levy fund or another  
17 capital project fund, or ~~other~~ to the fund from which the  
18 surplus originated; or transferred to the general fund in  
19 accordance with section 278.1, subsection 1, paragraph "e".

20 Sec. 36. Section 298A.13, Code 2011, is amended to read as  
21 follows:

22 **298A.13 Trust, permanent, or agency funds.**

23 Trust, permanent, or agency funds shall be established by  
24 any school corporation to account for gifts it receives to  
25 be used for a particular purpose or to account for money and  
26 property received and administered by the district as trustee  
27 or custodian or in the capacity of an agent. Boards may  
28 establish trust ~~and~~, permanent, or agency funds as necessary.

29 Sec. 37. Section 299A.11, Code 2011, is amended to read as  
30 follows:

31 **299A.11 Student records confidential.**

32 Notwithstanding any provision of law or rule to the  
33 contrary, personal information in records regarding a child  
34 receiving competent private instruction pursuant to this  
35 chapter, which are maintained, created, collected, or assembled

1 by or for a state agency, shall be kept confidential in  
2 the same manner as personal information in student records  
3 maintained, created, collected, or assembled by or for a school  
4 corporation or educational institution in accordance with  
5 section 22.7, subsection 1. For purposes of this section,  
6 "personal information in records regarding a child receiving  
7 competent private instruction" shall include the child's  
8 name and home address as well as all other information that  
9 personally identifies the child.

10 Sec. 38. Section 423F.3, subsection 1, paragraph d, Code  
11 2011, is amended by striking the paragraph.

12 Sec. 39. REPEAL. Sections 256.20 and 256.23, Code 2011,  
13 are repealed.

14 Sec. 40. REPEAL. Section 297.35, Code 2011, is repealed.

15 Sec. 41. REPEAL. Section 298A.5, Code 2011, is repealed.

16 Sec. 42. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. The  
17 section of this Act amending section 257.30, being deemed of  
18 immediate importance, takes effect upon enactment and applies  
19 to the school budget review committee member terms that begin  
20 on or after May 1, 2011.

21 EXPLANATION

22 This bill makes miscellaneous changes to Code provisions  
23 relating to education as follows:

24 STUDENT STATE BOARD OF EDUCATION MEMBER. Code section  
25 256.5A is amended to increase the term of the nonvoting student  
26 member of the state board of education from one year to two  
27 years, and provides that the student must be enrolled in grade  
28 10 when applying for the appointment. Currently, a student may  
29 be enrolled in grade 10 or 11 at the time the student applies.

30 SCHOOL LAW PRINTING REQUIREMENT. Code section 256.9,  
31 subsections 26 and 27, are stricken. The provisions require  
32 the director of the department of education to cause to  
33 be printed in book form, every four years since 1987, all  
34 school laws, and changes to school laws, with forms, rulings,  
35 decisions, notes, and suggestions which may aid school officers

1 in the proper discharge of their duties. The book must be  
2 furnished to school and area officers and administrators,  
3 members of the general assembly, and others as reasonably  
4 requested.

5 EMPLOYMENT PRACTICES. Code section 256.10, subsection 2, is  
6 amended by striking a provision that prohibits the dismissal  
7 of a member of the professional staff for cause without  
8 appropriate due process procedures, but adds that the person  
9 must not be dismissed without an opportunity to meet with the  
10 director of education.

11 AMERICAN INDIAN EDUCATION EXPENSES. Code section 256.30  
12 provides for the distribution and administration of moneys  
13 in excess of federal moneys to pay the expense of educating  
14 American Indian children residing in the Sac and Fox Indian  
15 settlement. The bill eliminates language that requires the  
16 tribal council to submit an annual report to the department of  
17 education accounting for expenditure of the moneys and requires  
18 the department of education to certify compliance before the  
19 department of management can approve allotment of the moneys.

20 ACCREDITED NONPUBLIC SCHOOL PUPIL ENROLLMENT. Code section  
21 257.6 is amended to specify that accredited nonpublic school  
22 pupils receiving classes or services funded by federal grants  
23 or allocations shall not be counted in a school district's  
24 enrollment as shared-time or part-time pupils. The bill makes  
25 a conforming change to Code section 257.37, subsection 4.

26 SCHOOL BUDGET REVIEW COMMITTEE (SBRC) MEMBER TERMS. Code  
27 section 257.30, subsection 1, is amended to increase the length  
28 of the terms served by members of the SBRC from three years to  
29 four years. This provision takes effect upon enactment and  
30 applies to SBRC member terms that begin on or after May 1,  
31 2011.

32 SBRC INTERNET SITE INFORMATION. Code section 257.31,  
33 subsection 2, is amended to eliminate a requirement that the  
34 school budget review committee specify on its internet site  
35 annually the reasons for its recommendations, and instead

1 require that it specify a summary of decisions. The reference  
2 to recommendations was tied to a requirement that the committee  
3 report to the general assembly any recommended changes in laws  
4 relating to school districts, but that requirement was stricken  
5 by legislation enacted in 2009.

6 REDISTRICTING FOLLOWING FEDERAL DECENNIAL CENSUS. Code  
7 section 275.23A is amended to move the dates back by which a  
8 resolution describing new director district boundaries must be  
9 adopted by the school board if the school board redraws its  
10 director district boundaries following the federal decennial  
11 census. Currently, the resolution can be adopted no earlier  
12 than November 15 of the year immediately following the year  
13 in which the federal decennial census is taken nor later than  
14 May 15 of the second year immediately following the year in  
15 which the federal decennial census is taken. The bill moves  
16 the timelines to no sooner than November 15 of the second year  
17 following the federal decennial census and no later than May 15  
18 of the third year following the federal decennial census.

19 MODIFIED ALLOWABLE GROWTH ESTABLISHED BY SBRC. Code section  
20 257.40, subsection 1, is amended to eliminate reference to  
21 "at-risk" within the term "modified at-risk allowable growth"  
22 and to provide that the requests for additional allowable  
23 growth for programs for returning dropouts and dropout  
24 prevention, which are submitted to the department by school  
25 districts, must be either approved by the department or  
26 returned unapproved to the school district with comments from  
27 the department. Code section 257.41 is amended to provide  
28 that the SBRC, rather than the department of management, is  
29 responsible for establishing a modified allowable growth for  
30 such programs.

31 AEA BUDGET DEADLINES. Code sections 273.3 and 273.23 are  
32 amended to extend the dates by which area education agency  
33 proposed budgets must be reviewed, approved, or returned by the  
34 state board and resubmitted to the state board if the first  
35 submission is not approved.

1     FUNDING MEDIA AND EDUCATIONAL SERVICES. Code section  
2 257.37, subsection 4, which requires school districts to  
3 include in their enrollment reports the number of nonpublic  
4 school pupils within each school district for media and  
5 educational services provided through the area educational  
6 agencies, is amended to prohibit school districts from  
7 including in the enrollment report nonpublic school pupils  
8 receiving classes or services funded by federal grants or  
9 allocations.

10    SCHOOL AND AEA BOARD PAYMENTS AND WARRANTS. Code section  
11 279.30 is amended to allow the board of directors of a  
12 school district or of an AEA to direct deposit a payment at a  
13 financial institution specified by the person entitled to the  
14 money. Code section 291.1; Code section 291.6, subsections  
15 3 and 4; and Code sections 291.7, 291.8, 291.12, and 291.14  
16 are amended to replace references to "books", "registers",  
17 and "warrants" with references to payments, electronic funds  
18 transfers, and accounting records and to make related changes.

19    SCHOOL FUNDS FOR GIFTS. Code sections 279.42 and 298A.13 are  
20 amended to give school districts the option of establishing a  
21 permanent fund for gifts received and to allow school districts  
22 to deposit funds received from gifts, devises, and bequests  
23 into a trust, permanent, or agency fund.

24    SCHOOL DISTRICT ADMINISTRATIVE EXPENDITURES. Code section  
25 279.45 is amended to modify outdated language related  
26 to a requirement that a school district limit its annual  
27 administrative expenses to not more than 5 percent of its  
28 general fund for a base year and to replace references to the  
29 term "operating fund" with "general fund".

30    ENROLLMENT OF PERSON LISTED ON SEX OFFENDER REGISTRY.  
31 Code section 282.9, subsection 1, is amended to notwithstanding  
32 Code chapter 282, relating to school attendance and tuition,  
33 rather than notwithstanding only Code section 282.18, the  
34 Code section relating to open enrollment. The language of  
35 Code section 282.9, subsection 1, provides that prior to

1 knowingly enrolling a student who is required to register as  
2 a sex offender, the school district's board of directors must  
3 determine the educational placement of the individual and place  
4 notice of that consideration on the board's tentative meeting  
5 agenda. If the board denies enrollment to the individual, the  
6 school district of residence must provide the individual with  
7 educational services in an alternative setting.

8     WHOLE GRADE SHARING AGREEMENTS. Code section 282.10,  
9 subsection 4, is amended to provide that the boards of  
10 directors of school districts must negotiate the disposition of  
11 any funding provided under Code chapter 284, not solely teacher  
12 quality funding.

13     OPEN ENROLLMENT BY SIBLING. Code section 282.18, subsection  
14 4, is amended to require that a receiving district approve  
15 a transfer request submitted after March 1 of the preceding  
16 school year if the sibling of the pupil for whom the request  
17 is made is already participating in open enrollment to the  
18 receiving district. The bill makes a conforming change to Code  
19 section 282.18, subsection 5.

20     EVALUATOR TRAINING PROGRAM. Code section 284.10, subsection  
21 2, is amended to give program enrollment preference to other  
22 practitioners who are not beginning teachers. Currently, only  
23 school administrators are given preference.

24     PHYSICAL PLANT AND EQUIPMENT LEVY. Code section 298A.4  
25 is amended to describe the physical plant and equipment levy  
26 fund as a "capital projects fund", rather than a "special  
27 revenue fund". Corresponding changes are made to Code sections  
28 278.1(1)(e), 298.2(5)(a), and 298A.9, while Code sections  
29 423F.3(1)(d) and 298.2(6) are stricken, and Code section 297.35  
30 is repealed.

31     COMPETENT PRIVATE INSTRUCTION RECORDS. Code section 299A.11  
32 is amended to provide that "personal information in records  
33 regarding a child receiving competent private instruction"  
34 includes the child's name and home address, and any other  
35 information that personally identifies the child.

1 CODE CORRECTIONS. The bill makes corrections to Code  
2 section 256.9 to change references to model end-of-course  
3 assessments and to Code section 259A.1 to change references to  
4 subjects covered by high school equivalency diploma tests.

5 CODE SECTIONS REPEALED. The bill repeals the following:

6 1. Code section 256.20, which permits school districts to  
7 request approval from the state board of education for a pilot  
8 project for a year-around three-semester school year.

9 2. Code section 256.23, which establishes a recruitment and  
10 advancement program to provide for the allocation of grants  
11 to school corporations for pilot projects that encourage  
12 the advancement of women and minorities to administrative  
13 positions.

14 3. Code section 298A.5, which provides that the schoolhouse  
15 tax levy fund is a special revenue fund and requires school  
16 corporations to establish the schoolhouse tax levy fund if it  
17 levies the tax authorized by Code section 278.1, subsection 7,  
18 Code 1989.